



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,892	02/17/2004	Kishore Tipimani	40500.0117	9636

20322 7590 10/11/2006

SNELL & WILMER
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

EXAMINER

BLANCO, JAVIER G

ART UNIT	PAPER NUMBER
----------	--------------

3738

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/779,892	2/17/2004	Tipirneni, Kishore	40500.0117
			EXAMINER
			J. G. Blanco
		ART UNIT	PAPER
		3738	20060926

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Response to Amendment

1. The reply filed on July 24, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a. The response to the Election of Species Requirement in the Office Action of July 18, 2006 is not fully responsive. In said response/reply the Applicants elected, with traverse, FIXATION OF BONE FRACTURE: Species G (embodied in Figure 4G). In said response/reply the Applicants did not make an election on the “CAP” group of species. The “one component” which is shared among the CAP embodiments (i.e., species) shown in Figures 2A-2E is the “inverse interface component 22”. Other than that, the species represent patentably distinct structural limitations.

As indicated in said Office Action, Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

b. The traversal is on the ground(s) that “*the examination of all currently pending claims would not pose an undue burden on the Examiners*”.

This is not found persuasive because the Examiner required an Election of Species, not a Restriction. As defined in MPEP 808.01(a), for an Election of Species “*it is not necessary to show a separate status in the art or separate classification*”. Also, that same section of the

Art Unit: 3738

MPEP teaches that for a multiplicity of species requiring extensive and/or burdensome search, “*a requirement for an election of species should be made prior to a search*”. The Applicant is probably aware that the subject matter of claims 1-26 belongs to a crowded art.

Furthermore, the Office Action state: “*should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case*”.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:30 a.m.-7:00 p.m.), first Friday of the bi-week off.

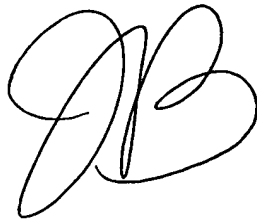

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Application/Control Number: 10/779,892
Art Unit: 3738

Page 4

JGB

September 26, 2006

A large, stylized handwritten signature consisting of the letters 'J' and 'B' intertwined.A handwritten signature in cursive script, appearing to read 'David H. Willse'.

David H. Willse
Primary Examiner